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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/796,302

03/10/2004

Yoshinobu Suehiro

PTGF-04009

9113

21254

7590

01/31/2006

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EXAMINER

PATEL, VIP

ART UNIT

PAPER NUMBER

2879

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

52

<b>Office Action Summary</b>	<b>Application No.</b> 10/796,302	<b>Applicant(s)</b> SUEHIRO ET AL.	
	<b>Examiner</b> Vip Patel	<b>Art Unit</b> 2879	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>0604</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

### **Claim Rejections - 35 USC § 112**

Claims 3-7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 4, applicant claims that the phosphor layer is composed of a plurality of layers that are of "different kinds" of phosphor glasses. Different-kind of phosphor glasses are not defined. It is not clear as to what are the "different kind" of phosphor glasses. Similar situation also appears in claim 5.

In claim 4, line 3, applicant claims that the phosphor glass is "particle-shaped". It is not clear as to what exactly is "particle-shape". Shape of "particle-shape" is not known.

Regarding claims 3-7, claims 3-7 are informal (see rejection of claims under 35 USC 112, second paragraph) that no meaningful examination can be undertaken at this time. See MPEP 702.01. Note, claims 6-7 are dependent on rejected claim 4.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ota (WO 02/054503).

Regarding claims 1-2 and 8, Ota discloses a light emitting device (figure 1) comprising a light emitting element (4) and a phosphor layer (low melting glass 8 having

divalent europium activated phosphor 11) composed of phosphor glass. Note for claim 8, phosphor glass layer 8 is considered an optical system.

### **Other Prior Art Cited**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ota et al, in US 6943380 disclose a light emitting device having phosphor of alkaline earth metal silicate.

Buchanan et al, in US 5122671, discloses terbium activated silicate luminescent glasses.

Asano, in US 6265825, discloses an up-conversion phosphor glass.

Atagi, in US 6921730, discloses a phosphor layer composition.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vip Patel whose telephone number is (571) 272-2458. The examiner can normally be reached on Monday-Thursday. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIP PATEL  
PRIMARY EXAMINER  
ART UNIT 2879